

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON, Part IV

NIKOLAI I. SINKINE,

Plaintiff

v.

Case No.: CL06-0110

TATYANA A. BABAKAEVA,

Defendant

DECREE OF DIVORCE

THIS CAUSE, which has been regularly docketed, matured and set for hearing, came on this day to be heard upon the Complaint of Plaintiff; upon proper and legal service of process on the Defendant; upon Answer and Cross-Complaint of the Defendant; upon Defendant's Motion to Amend Grounds on the basis that the parties have lived continuously separate and apart without any cohabitation and without interruption for a period in excess of twelve (12) months; and upon the evidence taken ore tenus before the Court after proper notice to all parties.

UPON CONSIDERATION WHEREOF, the Court grants Defendant's Motion to Amend and finds from the evidence, independently of the admissions of the parties in the pleadings or otherwise, the following facts:

1. That the Plaintiff, Nikolai I. Sinkine, and the Defendant, Tatyana A. Babakaeva, were lawfully married in Newport News, Virginia, on April 9, 2002.
2. That there was one child born of the marriage, to wit: Kathy Elyn Babakaeva, born September 22, 2006.
3. There were no children born either party and adopted by the other or adopted by both parties to this marriage.
4. The present address of Plaintiff is 28 Kincaid Lane, Hampton, Virginia 23666; and his birth date is March 31, 1949.
5. The present address of Defendant is 5 Pelican Shores Drive, Hampton, Virginia 23666; and her birth date is May 14, 1968.
6. The parties are both over the age of eighteen (18) years and are *sui juris*.
7. Neither the Plaintiff nor the Defendant is a member of the Armed Forces of the United States on active duty.

8. The Plaintiff and Defendant are and have been actual bona fide residents and domiciliaries of the Commonwealth of Virginia for a period of more than six (6) months immediately preceding the commencement of this suit.

9. That Plaintiff and Defendant last cohabited together as husband and wife in **Hampton, Virginia** on or about **January 6, 2006**.

10. That the parties have lived continuously separate and apart without any interruption and without any cohabitation since **January 6, 2006**, a period in excess of one (1) year.

11. That at the time of separation of the parties on **January 6, 2006**, it was the intent of one or both of them to remain permanently separate and apart and to eventually obtain a final decree of divorce.

12. That reconciliation is not probable or possible.

Accordingly, it is **ADJUDGED, ORDERED, and DECREED** that the Defendant, **Tatyana A. Babakaeva**, be and she is hereby absolutely divorced from the Plaintiff, **Nikolai I. Sinkine**, a vinculo matrimonii from the bond of matrimony, pursuant to §20-91(9) of the Code of Virginia (1950), as amended, on the grounds that the parties have lived continuously separate and apart without any cohabitation and without any interruption since **January 6, 2006**, a period in excess of one (1) year, and that the bond of matrimony created by the marriage between these parties be and the same is hereby dissolved. Plaintiff's Complaint is hereby dismissed.

It is **FURTHER ORDERED** and **DECREED** that:

A. The marital domicile has been sold and the amount of \$92,291.07 shall remain in escrow with Paul Wilson, Esquire until further Order of the Court.

B. Pursuant to §20-124.5 of the Code of Virginia, 1950, as amended, THIRTY DAYS ADVANCE WRITTEN NOTICE SHALL BE GIVEN TO THE COURT AND THE OTHER PARTY BY ANY PARTY INTENDING TO RELOCATE AND OF ANY INTENDED CHANGE OF ADDRESS.

C. Both parties shall bear their own legal costs and expenses.

D. It is further **ORDERED** that, pursuant to Virginia Code §20-79(c), all matters pertaining to custody, visitation and support of Kathy shall be heard in the Hampton Circuit-Court for the enforcement of the decrees of this Court or for the modification or revision thereof as the circumstances may require.

E. There is a Motion before the Court for a Decree of Reference regarding matters of equitable distribution which is in dispute.

THIS CAUSE shall remain on the docket of this Court for further Order.

ENTER: This 19 day of JUNE, 2007.

William C. Anderson
JUDGE

I ASK FOR THIS:

Sincerely yours,
Bryan H. Schempf, Esquire
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I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.
Linda Batchelor Smith, Clerk
By Raeen Downing
Dep. Clerk

SEEN:

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